

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Faulkner et al.

Confirmation No.: 4682

Serial No.: 10/599,796

Group Art Unit: 4173

Filed: October 10, 2006

Examiner: N. Westerberg

Title: LOW DOSE PHARMACEUTICAL PRODUCTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Restriction Requirement mailed November 15, 2007.

The Office Action states that the instant application contains inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1, and requires Applicants to elect a single invention, for purposes of restriction, from the following:

Group I, claim(s) 1-13 and 15, drawn to a method for preparing a dosage form;

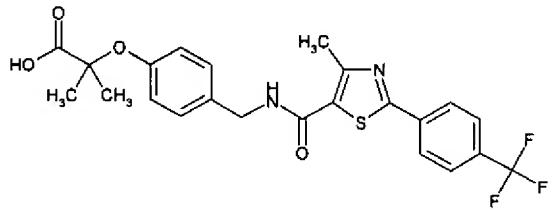
Group II, claim(s) 14 and 16-20, drawn to a pharmaceutical composition comprising a drug; and

Group III, claim(s) 21-25 and 31, drawn to a method of treatment of human PPAR mediated disease or condition comprising administering a daily dose of compound (1).

Applicants elect Group II, claims 14 and 16-20, drawn to a pharmaceutical composition comprising a drug.

The Office Action states in the Examiner's sections 3-5 (pages 3-5 of the Office Action) that the claims of the instant application are directed to more than one species of a generic invention, and that the species (referred to as "active substance present in the dosage form," "active substance," or "pharmaceutically active substances") of the invention lack unity. Further, the Office Action states that if Group I or II is elected, the Applicants are required to elect a single species for purposes of examination, and the Examiner suggests either (i) a compound other than compound (1) or (ii) compound (1). Applicants provisionally elect for purposes of examination the species "compound (1),"

known as 2-methyl-2-[4-{[(4-methyl-2-[4-trifluoromethylphenyl]-thiazol-5-ylcarbonyl)amino]methyl}phenoxy] propionic acid and having the structure



Additionally, Applicants identify claims 1-20 as reading on the elected species.

Applicants respectfully request examination and allowance of the claims of the instant application. Applicants believe that no other fees are due in connection with the filing of this paper other than those specifically authorized herewith.

Should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392. If the Examiner has any outstanding issues with the pending claims, the Examiner is encouraged to telephone the undersigned at (919) 483-6334 for expeditious handling.

Respectfully submitted,

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Date: 13 Dec 07

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